

REMARKS

The Examiner has objected to claims 4, 12 and 20 due to various informalities. Applicants have overcome the objections by amending the claims according to the Examiner's suggestions.

Claim 24 stands individually rejected under 35 USC 112, first paragraph and second paragraph. Applicants respectfully traverse these rejections.

The Examiner asserts that the features of claim 24 are not sufficiently disclosed by the specification. Applicants respectfully refer the Examiner to Figure 7 and its accompanying explanation, beginning at paragraph [0077] and ending at paragraph [0092], which provide a detailed description of an embodiment of applicants' invention corresponds to claim 24. The Examiner seems to be troubled by the use of the term "component" in claim 24, stating that it was used in other claims to be a single developing segment. However, claim 20, from which claim 24 depends, recites, "a plurality of components each of which providing a developing device, a photosensitive image carrier on which an image is formed by the developing device and a rotary brush which rubs and slides on the surface of the photosensitive image carrier," thereby providing the context for the term "component" as used in claim 24.

Accordingly, claim 24 is allowable.

Claims 1-19, 22 and 23 stand variously rejected under 35 USC 103(a) on Shimuzi (U.S. Patent Publication No. 2002/0181965), Ishiguro (U.S. Patent No. 5,671,476), Shinohara (U.S. Patent No. 6,470,154) Yasui (U.S. Patent No. 5,845,174). Applicants respectfully traverse these rejections.

In all of the rejections, the Examiner has conceded that the cited references fail to disclose the claimed ranges for push and/or nip as recited in the respective claims. However, the Examiner then relies on *In re Boesch*, 205 USPQ 215 (CCPA 1980), in rejecting the claims by asserting that the recited values are merely optimal values that a person of ordinary skill in the art at the time the invention was made would have been able to determine using routine experimentation.

Initially, applicants note that *Boesch* involved determining the appropriateness of an obviousness type rejection when the applicants claimed a substantial subset of ranges disclosed in the prior art and did not address a situation in which the prior art failed to disclose any ranges. In contrast, none of the art cited by the Examiner discloses any ranges for the values of push or nip, nor does any of the cited art indicate that the push or nip can or should be altered either together or independently. Thus, unlike the situation in *Boesch* there is no evidence that push and nip widths were values a person of ordinary skill in the art would have known to optimize. See, e.g., *In re Antonie*, 195 USPQ (BNA) 6 (CCPA 1977).

Furthermore, the cited art does not disclose that a problem even exists much less that using push and nip values within the ranges recited in the claims would solve the problem. See, e.g., *In re Nomiya*, 184 USPQ 607 (CCPA 1975), “a patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified”. Accordingly, the Examiner has not provided any disclosure related to these features of applicants’ claims other than the Examiner’s own bald assertion that applicants’ invention would have been obvious because it contains a range of values. Additionally, applicants note that paragraphs [0118] and [0119] further disclose the criticality of the ranges claimed by applicants.

Consequently, independent claims 1, 9, 18, 22 and 23 which recite ranges for push and/or nip values, are allowable over the cited art for at least the above explained reasons.

Claim 17 has been amended to recite “a counter for counting a number of rotations of the rotary brush.” None of the cited art discloses such a feature, nor has the Examiner asserted that the cited art does so. Accordingly, claim 17 is allowable over the cited art.

Claims 2-8, 10-16 and 19 depend from allowable claims and are therefore allowable due at least to their respective dependencies.

Claims 17, 20, 21 and 26 stand rejected under 35 USC 102(b) on Yasui. Applicants respectfully traverse this rejection. As stated above, claim 17 has been amended to recite “a counter

for counting a number of rotations of the rotary brush"; and Yasui does not disclose or suggest such a feature, nor has the Examiner asserted that Yasui makes such a disclosure. Accordingly, claim 17 is allowable over Yasui. Claim 20 has been amended in a manner similar to that of claim 17 and is allowable for at least the same reasons.

Claims 21 and 26 depend from allowable claims and are therefore allowable due at least to their respective dependencies.

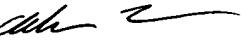
Claims 7, 15, 20 and 25 stand rejected under 35 USC 103(a) on Yasui in view of Seanor (U.S. Patent No. 4,457,615). Applicants respectfully traverse this rejection. Seanor does not overcome the deficiencies detailed above with regard to claims 1, 9 and 20, nor has the Examiner cited Seanor as doing so. Accordingly, claim 20 is allowable for at least the reasons stated above, and claims 7, 15 and 25, which depend from allowable claims, are allowable due at least to their respective dependencies.

Applicants solicit an early action allowing the claims.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 325772035200.

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